

# Notice of Allowability

Application No.

10/084,107

Examiner

Hadi Akhavannik

Applicant(s)

KONDO ET AL.

Art Unit

2624

## -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 5/5/06.
2. ☒ The allowed claim(s) is/are 3-6 and 8-13.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☒ All b) ☐ Some\* c) ☐ None of the:
    1. ☒ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  5. ☐ CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

### Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08),  
Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit  
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413),  
Paper No./Mail Date \_\_\_\_\_
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_

JOSEPH  
SUPERVISOR  
SUPERVISOR  
PATENT EXAMINER

### **DETAILED ACTION**

The application has been amended as follows:

The cancellation of claim 7 (in addition to claims 1, 2, 14, 15) is acknowledged. Applicant requests the cancellation according to claim 6 on the remarks dated 5/5/06. However, Applicant did not delete the claim language, though it is noted that claim 7 is identified as "cancelled" in the listing of the claims.

### **REASONS FOR ALLOWANCE**

Claims 3-6 and 8-13 are allowed.

The following is an examiner's statement of reasons for allowance:

Independent claims 3 recites:

Wherein the selection of the frequency during the authentication is preformed based on the resolution of the image.

Independent claim 8 recites:

Wherein the authentication precision is calculated using a distribution of authentication scores between identical persons and a distribution of authentication scores between different persons.

Independent claim 9 recites:

Wherein the authentication precision during the authentication is estimated from the selected frequency.

The above features, as explicitly recited, and in combination with the other elements of the claim are neither disclosed nor suggested by the nearest prior art of the record.

Daugman (5291560) discloses an iris identification system, which uses Gabor filters. However, Daugman does not teach using the resolution of the image, nor the specifics of the limitations of claims 8 and 9 which disclose the method of validating authentication.

Yamakita et al. (6285780) discloses selecting key frequencies for authentication of an iris. However, Yamakita has similar shortcomings as Daugman.

Ott (3872443) discloses using a frequency wave to authenticate a person. However, Ott has similar shortcomings as Daugman.

Matyas Jr. et al (6507912) discloses using a sampling frequency to authenticate a user. However, Matyas Jr. has similar shortcomings as Daugman.

Matsumoto et al. (2002/0181749) discloses using density patterns to select a frequency for authentication. However, this does not read on selecting a frequency based on the resolution of the image. Therefore, Matsumoto has similar shortcomings as Daugman.

Claims 4-6, 10-13 depend on independent claims 3 and 9 and are therefore, allowable.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid, processing delays, show preferably

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accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reason for Allowance."

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hadi Akhavannik whose telephone number is 571-272-8622. The examiner can normally be reached on 10:30-7:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Mancuso can be reached on (571)272-7695. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



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